

REMARKS

Rejected claims 73 and 74 have been cancelled without prejudice.

Claims 62 and 72 have been objected to and have been revised in consideration of the Examiner's comments to define the invention with greater particularity. As amended, these claims are now submitted to be patentable to the Applicant.

Claims 43, 53, 63, 75, and 77 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaezy et al '867. This rejection is respectfully traversed with respect to these claims as amended or presented herein.

This reference describes a situation in which ultrasound images of a real patient are generated. These ultrasound images may then be displayed allowing medical practitioners to view the actual current condition of a patient. The Examiner has identified that at the current time, the patient's body could include diseased and un-diseased portions.

In contrast to this, however, the claimed invention is directed, in one example, towards the use of a wireframe model which is generated not using real patient data but rather using artificial visual created images referred to in the specification as "simulated images."

The simulated images can be generated using a process as described, for example, with reference to Figure 4, which as will be appreciated by the Examiner

does not require the use of real patient data. This is to avoid the need for physical specimen data, as required by Vaezy et al '867.

To clarify this distinction, the independent claims have been revised to recite the images as being "simulated." This is clearly described, for example, at page 2, line 24, and page 7, line 4 of the specification. In contrast, Vaezy et al '867 describes utilizing actual images of a patient organ, or the like, as real patient data that is submitted to be distinctive from "simulated images" as now claimed. And, utilizing real-patient physical specimen data is submitted to have a number of impacts on the generation of images for demonstrating the effects of illness or treatment.

In particular, collection of physical specimen data places limitations on the images that can be created. In contrast, the claimed invention requires that the images show a healthy living body, a body effected by illness and one or more intermediate images. Similarly for the effect of treatment, a body effected by illness, a treated body and one or more intermediate images are shown.

The claimed invention therefore defines an image sequence progressing through the entire effects of the illness or treatment from a healthy body to an ill body or vice versa, and is in contrast to the reference showing a single body having diseased and un-diseased portions. The display of the progression of a condition or

treatment in a manner as claimed by Applicant is thus not taught or even suggested by Yaezy et al '867 which only operates to display the current status of the patient.

Even assuming *arguendo* that live patient images may be taken at different times, there is nevertheless no disclosure in Vaezy et al '867 of placing these together into a sequence of images showing progression of the disease or condition in any manner resembling the invention as claimed by Applicant. Additionally, to clarify this distinction, the claims have also been revised to refer to the "progressive" effects of illness or the "progressive" effects of treatment, as described, for example, on page 8, line 7 et seq. of the specification.

Regarding the Examiner's comments about claims 63, 75 and 77, additional distinguishing recitations have been overlooked. Specifically, claim 63 requires that a processor receive an input command selecting an illness/treatment. In Vaezy et al '867, the images are based on real patient data and it is therefore not possible for a disease, illness or treatment to be selected, and there is certainly therefore no disclosure in this reference of a processing system which allows an input command to select an illness or treatment on a real patient.

And claim 75 recites that the processor display a list of body systems, allowing the user to select a body system and again select an illness or treatment. There is no such disclosure in Vaezy et al '867. Similar comments also apply with

respect to claim 77. It is therefore respectfully submitted that claims 43, 53, 63, 75 and 77 are now patentably distinguishable over the cited art.

Claims 44-52, 54-62, 64-72, 76 and 78-84 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaezy et al '867 further in view of Kizakovich et al. This rejection is respectfully traversed with respect to these claims, as amended herein.

These claims variously recite a sequence of images representing a healthy living body, a living body and intermediate images and in the case of a treatment a living body effected by illness, a treated living body and intermediate images.

These aspects of the claimed invention are not disclosed in these references considered either alone or in combination. Instead there is no disclosure at best of simulated images, but rather real time visual images based on real patient data, and there are no disclosures of sequences or images representing progression of an illness or a treatment, in any manner resembling the invention as further recited in these dependent claims 44-52, 54-62, 64-72, 76 or 78-84 which are now submitted to be patentably distinguishable over the cited art.

Reconsideration and allowance of all pending claims are solicited.

Respectfully submitted,
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